

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MOHAMMED ALI RASHID,

Defendant.

No. 17-cv-8223 (PKC)

~~PARTIES' PROPOSED~~ SUPPLEMENT TO JOINT PRE-TRIAL ORDER [DOC. 164]

Plaintiff Securities and Exchange Commission (“SEC”) and Defendant Mohammed Ali Rashid (“Rashid”) (collectively, the “Parties”) jointly and respectfully submit this Proposed Supplement to the Parties’ Joint Pre-Trial Order (“JPTO”) [Doc. 164], which was entered by the Court on December 9, 2012. This Supplement results from the Parties’ further discussions pursuant to their meet and confer responsibilities.

The Parties mutually agree to add the following as a new Subsection “D,” captioned “Other Stipulations,” to the Stipulations already set forth in Section II of the JPTO:

D. Other Stipulations

1. The Parties’ respective designations from the deposition of Mr. Burke Stout may be admitted into evidence.
2. No witness shall be required to take the stand more than once during trial irrespective of whether certain of the questions asked of him or her may call for what otherwise would be deemed to constitute rebuttal testimony.
3. The SEC may call Susanne Cleary and Beth Gatsik in its direct case notwithstanding that they submitted declarations styled as “rebuttal” declarations.

4. Subject to the Court's determination of whether the criteria of Rule 43 of the Federal Rules of Civil Procedure are met in each instance, the following nonparty fact witnesses who reside outside of the New York Metropolitan area and who have requested not to be required to travel to the jurisdiction for trial may be examined remotely via video link:
 - a. Haroon Rashid (Los Angeles, CA)
 - b. William Smith. (Los Angeles, CA)
 - c. Michael Conney (Plano, Texas)
 - d. Melissa Ernst (Tampa, FL)
 - e. Lorrel Margelowsky (Tampa, FL)
 - f. Randall Strutz (Tampa, FL)
 - g. Robert Weinrich (Coppel, TX)
5. Each Party shall provide at least 48 hours advance notice to the other Party of their intention to call a witness to the stand at trial. Such notice shall be transmitted via email to all counsel for the other Party.
6. The Party receiving notice of the other Party's notice to call a witness shall provide – within 24 hours of receiving such notice – an estimated time for each of the disclosed witness' cross-examination.

The Parties thank Your Honor for the opportunity to submit these additional stipulations.

Respectfully submitted,

/s/ Theresa Van Vliet
Gregory W. Kehoe
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200

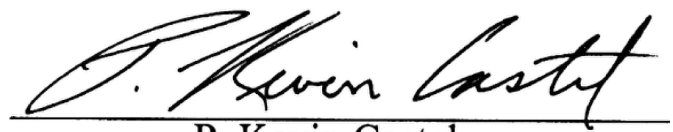
Theresa M.B. Van Vliet
Genovese Joblove & Battista, P.A.
200 E. Broward Blvd., Suite 1110
Ft. Lauderdale, FL 33301
(954) 453- 8000

ATTORNEYS FOR DEFENDANT

/s/ James M. Carlson
Duane K. Thompson
James M. Carlson
Securities and Exchange Commission
100 F Street NE
Washington, D.C. 20549
(202) 551-7159

ATTORNEYS FOR PLAINTIFF

SO ORDERED.


P. Kevin Castel
United States District Judge
12/10/2019

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via CM/ECF on
December 9, 2019 upon all counsel listed below:

Gregory W. Kehoe
Daniel Friedman
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200
Kehoe@gtlaw.com
FriedmanD@gtlaw.com

Theresa M.B. Van Vliet
Genovese Joblove & Battista, P.A.
200 E. Broward Blvd., Ste. 1110
Ft. Lauderdale, FL 33301
(954) 453-8000

Attorneys for Defendant

/s/ James M. Carlson
James M. Carlson